

1 SENATE BILL 264

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 George K. Munoz

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10 AN ACT

11 RELATING TO PUBLIC PROPERTY; ALLOWING LEASES LONGER THAN
12 TWENTY-FIVE YEARS UNDER CERTAIN CIRCUMSTANCES.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 13-6-3 NMSA 1978 (being Laws 1961,
16 Chapter 41, Section 1, as amended by Laws 2003, Chapter 142,
17 Section 4 and by Laws 2003, Chapter 349, Section 23) is amended
18 to read:

19 "13-6-3. SALE, TRADE OR LEASE OF REAL PROPERTY BY STATE
20 AGENCIES--APPROVAL OF LEGISLATURE--EXCEPTIONS.--

21 A. ~~[Any]~~ Except as provided in Subsection B of this
22 section, the sale, trade or lease for a period exceeding
23 twenty-five years in duration of real property belonging to
24 [any] a state agency, which sale, trade or lease ~~[shall be]~~ is
25 for a consideration of one hundred thousand dollars (\$100,000)

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1 or more, shall be subject to the ratification and approval of
2 the state legislature prior to the sale, trade or lease
3 becoming effective. The provision specified in Section 13-6-2
4 NMSA 1978 requiring approval of the state budget division of
5 the department of finance and administration as a prerequisite
6 to consummating such sales or dispositions of realty shall not
7 be applicable in instances [~~wherein~~] in which the consideration
8 for the sale, trade or lease [~~shall be~~] is for a consideration
9 of one hundred thousand dollars (\$100,000) or more and
10 [~~wherein~~] in which a state agency not specifically excepted by
11 Subsection [~~B~~] C of this section is a contracting party, and,
12 in every such instance, the legislature shall specify its
13 approval prior to the sale, trade or lease becoming effective.

14 B. The provisions of Subsection A of this section
15 do not apply to leases of state real property that are in the
16 interest of the state and that may require more than twenty-
17 five years' duration to accomplish proper execution and
18 financing of the lease purposes; provided that the lease
19 duration shall not exceed the useful life of buildings built on
20 the real property being leased. Prior to entering into a lease
21 of real property under the jurisdiction and control of the
22 facilities management division of the general services
23 department for longer than twenty-five years, the capitol
24 buildings planning commission shall first review and approve
25 the lease. At the end of the lease period, all improvements,

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1 including buildings and fixtures, shall be the property of the
2 state without exception.

3 [B-] C. The provisions of this section shall not be
4 applicable as to those institutions specifically enumerated in
5 Article 12, Section 11 of the constitution of New Mexico, the
6 state land office, the state transportation commission or the
7 economic development department when disposing of property
8 acquired pursuant to the Statewide Economic Development Finance
9 Act."

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